IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.52467-M OF 2006

DATE OF DECISION: SEPTEMBER 1, 2006

Jatinder Kumar

....PETITITIONER

*VERSUS*

Dr.Rajive Bhushan ....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.S.Bajaj, Advocate,
for the petitioner.

...

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the complaint dated 27.3.2002 filed by the respondent against the petitioner under Section 138 of the Negotiable Instruments Act, summoning order dated 17.2.2004 and the subsequent proceedings arising therefrom.

I have heard the counsel for the petitioner.

In the petition, it has been stated that the cheque book of the petitioner was lost and the respondent had forged his signatures on one of the cheques of the cheque book and the petitioner has filed a complaint against the respondent on the aforesaid basis. Counsel for the petitioner contends that in this regard, an FIR has also been registered against the respondent.

After hearing the counsel for the petitioner, I am of the opinion that all these facts are disputed questions of facts and the same can be taken in defence by the petitioner and merely on the basis of such questions, the instant complaint cannot be quashed as these facts are to be proved by the trial Court on the basis of the evidence.

Dismissed.

September 1, 2006 ( SATISH KUMAR MITTAL)
vkg JUDGE